

David L. LeBas, SBN 12098600  
dlebas@namanhowell.com  
Michael S. Duncan, SBN 24097628  
mduncan@namanhowell.com  
NAMAN HOWELL SMITH & LEE PLLC  
8310 N. Capital of Texas Highway, Ste. 490  
Austin, Texas 78731  
Ph. (512) 479-0300  
Fax (512) 474-1901

*ATTORNEYS FOR AGTEXAS FARM CREDIT SERVICES AGTEXAS, PCA AND  
THORLAKSON DIAMOND T FEEDERS, LP*

John Massouh, SBN 24026866  
John.massouh@sprouselaw.com  
Josh Kundert, SBN 24143877  
Josh.kundert@sprouselaw.com  
SPOUSE SHRADER SMITH PLLC  
701 S. Taylor, Suite 500  
P.O. Box 15008  
Amarillo, Texas 79105-5008  
(806) 468-3300; (806) 373-3454 FAX

--and--

Abel A. Leal, SBN 24026989  
abel@leal.law  
LEAL LAW FIRM, LLC  
14180 N. Dallas Parkway, Suite 300  
Dallas, Texas 75254  
(214) 395-5325

*ATTORNEYS FOR DENNIS BUSS, BUSS FAMILY TRUST, EDDIE BRYANT,  
ROBERT E. GRAY, RONNIE GRAY, GRAY BROTHERS, CRAIG SUTTON, AMY  
SUTTON, STEVE RYAN, JANICE LAWHON, AJ JACQUES LIVING TRUST,  
GUNGOLL CATTLE, LLC, LEAH GUNGOLL, MORRISON CAFÉ, LLC, GARY  
LESH, JAN LESH, LESH FAMILY TRUST, JARED LESH, JORDAN LESH, LLC,  
JOEL BROOKSHIRE, GENE BROOKSHIRE FAMILY, LP, DOUGLAS FINLEY,  
SCARLET AND BLACK CATTLE, LLC, BRYAN BLACKMAN, STEVE T SCOTT  
FARM, INC., SCOTT LIVESTOCK COMPANY, INC., ARNOLD BRAUN TRUST,  
ROBERT BRAUN, JIM RININGER, ROBERT SPRING, MICHAEL EVANS,  
MIRANDA EVANS, CHARLES LOCKWOOD, COLE LOCKWOOD, SHERLE  
LOCKWOOD, NIKKI LOCKWOOD, LYNDA VAN BUSKIRK, JANET VAN  
BUSKIRK, COLBY VAN BUSKIRK, SUSAN VAN BUSKIRK, JIMMY GREER,  
DUSTIN JOHNSON AND DORA BLACKMAN*

Amber S. Miller, SBN 24050320  
amiller@cdmlaw.com  
CRENSHAW, DUPREE & MILAM, L.L.P.  
4411 98th Street, Suite 400  
Lubbock TX 79424  
(806) 762-5281  
(806) 762-3510 (fax)

*ATTORNEY FOR RIDGEFIELD CAPITAL GROUP, DREW PHILLIPS,  
CARRAWAY CATTLE, ROBERT ELLIS, BARRY PHILLIPS, BIG SEVEN  
CAPITAL PARTNERS, RICHARD CARRAWAY*

James D. Bradbury, SBN 02814500  
jim@bradburycounsel.com  
Kyle K. Weldon, SBN 24097192  
kyle@bradburycounsel.com  
JAMES D. BRADBURY, PLLC  
201 Main Street, Suite 600  
Fort Worth, Texas 76102  
Telephone: 817-339-1105  
Fax: 817-886-3495

*ATTORNEYS FOR PRIEST CATTLE COMPANY, LTD, PRIEST VICTORY  
INVESTMENT LLC, W. ROBBIE RUSSELL LIVING TRUST, AND EDDIE  
STEWART*

**IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE NORTHERN DISTRICT OF  
TEXAS AMARILLO DIVISION**

IN RE:  McCLAIN FEED YARD, INC., McCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC.,  Debtors.	Case No. 23-20084-swe7  Jointly Administered
IN RE:  2B FARMS, a Texas General Partnership, et al.,  Debtors.	Case No. 23-50096-swe12  Jointly Administered

<p>IN RE:</p> <p>AGTEXAS FARM CREDIT SERVICES; AGTEXAS, PCA; AND THORLAKSON DIAMOND T FEEDERS, LP</p> <p>Plaintiffs,</p> <p>and</p> <p>EDWARD DUFURRENA et al., Intervenor-Plaintiffs</p> <p>v.</p> <p>RABO AGRIFINANCE, LLC et al.,</p> <p>Defendants</p>	<p>ADV. PROC. NO. 24-02007-swe</p> <p>(Consolidated Adversary Proceeding)</p>
<p>IN RE:</p> <p>HTLF BANK, as successor to FIRST BANK &amp; TRUST,</p> <p>Plaintiffs, Counter-Defendant, and Cross-Claim Defendant,</p> <p>v.</p> <p>2B FARMS, a Texas General Partnership, et al., TERRY M. ROBINSON, and REBECCA A. ROBINSON,</p> <p>Defendants, Counterclaim-Plaintiffs, Third-Party Plaintiffs and Third-Party Counterclaim Defendants,</p> <p>v.</p> <p>RABO AGRIFINANCE LLC and MECHANICS BANK,</p> <p>Third-Party Defendants, and as to Rabo AgriFinance LLC only, Third-Party</p>	<p>ADV. PROC. NO. 24-02007-swe</p> <p>(Consolidated Adversary Proceeding)</p>

Counterclaim Plaintiff and Cross-Claim Plaintiff.	
---	--

**PLAINTIFFS' AND INTERVENOR-PLAINTIFFS'**  
**EMERGENCY MOTION TO EXTEND DEADLINES TO RESPOND TO CERTAIN**  
**MOTIONS TO DISMISS AND TO CONTINUE ALL HEARINGS ON SAME**

TO THE HONORABLE JUDGE EVERETT:

Plaintiffs AgTexas Farm Credit Services, AgTexas PCA, and Thorlakson Diamond T. Feeders, LP and Intervenor-Plaintiffs<sup>1</sup> (collectively “Plaintiffs”) file this Emergency Motion to Extend Deadlines to Respond to Certain Motions to Dismiss and to Continue All Hearings On Same (“Motion”) and respectfully show the Court the following:

**I. Summary of Motion**

Plaintiffs seek emergency relief to extend the deadline to respond to three Motions to Dismiss, and to continue the hearings on all five pending Motions to Dismiss until after the Court first resolves the Trustee's Motion to Intervene and Motion to Enforce Automatic Stay (“Motion to Intervene”) [Dkt. No. 140], which raises threshold questions of standing that must be determined before adjudicating five substantive Motions to Dismiss.

Judicial efficiency demands this approach because the Court’s decision on the Trustee’s Motion to Intervene may render moot the Motions to Dismiss. Furthermore, conserving the Plaintiffs’ resources also necessitates this approach, as requiring the Plaintiffs to respond to an

---

<sup>1</sup> The Intervenor-Plaintiffs are Edward Dufurrena, Open A Arena, LLC, Dennis Buss, Buss Family Trust, Eddie Bryant, Robert E Gray, Ronnie Gray, Gray Brothers, Craig Sutton, Amy Sutton, Steve Ryan, Janice Lawhon, AJ Jacques Living Trust, Gungoll Cattle, LLC, Leah Gungoll, Morrison Cafe, LLC, Gary Lesh, Jan Lesh, Lesh Family Trust, Jared Lesh, Jordan Lesh, LLC, Joel Brookshire, Gene Brookshire Family, LP, Douglas Finley, Scarlet and Black Cattle, LLC, Bryan Blackman, Steve T Scott Farm, Inc., Scott Livestock Company, Inc., Arnold Braun Trust, Robert Braun, Jim Rininger, Robert Spring, Michael Evans, Miranda Evans, Charles Lockwood, Cole Lockwood, Sherle Lockwood, Nikki Lockwood, Lyndal Van Buskirk, Janet Van Buskirk, Colby Van Buskirk, Susan Van Buskirk, Jimmy Greer, Dustin Johnson, Dora Blackman, Ridgefield Capital Asset Management, LP, Robert Ellis, Carraway Cattle, LLC, Big Seven Capital Partners, LLC, Richard Carraway, Drew Phillips, Barry Phillips, Priest Cattle Company, Ltd, Priest Victory Investment, LLC, Wiley Roby Russell, Jr., Trustee of the W. Robbie Russell Living Trust, and Eddie Stewart.

additional three Motions to Dismiss that may be rendered moot would be a waste of the Plaintiffs' resources. Moreover, all Motions to Dismiss are set for hearing on June 30, 2025, which is unworkable because seven separate matters would be presented requiring at least an estimated 9-11.5 hours of this Court's time in a single day.

Plaintiffs have already invested substantial resources in this litigation, conducting eleven depositions while the Trustee remained absent, only to have the Trustee now seek to intervene when recovery appears promising. Requiring Plaintiffs to continue responding to dismissal motions before resolving who owns the claims creates an inefficient use of judicial resources, imposes undue burden on Plaintiffs, and risks duplicative briefing that would unnecessarily increase costs under Bankruptcy Code Section 503(b). Accordingly, Plaintiffs respectfully request that the Court grant this Motion in its entirety.

## **II. Pertinent Procedural Background**

Plaintiffs face an unprecedented convergence of five separate motions to dismiss filed by defendants Rabo AgriFinance, LLC ("Rabo"), Mechanics Bank, Meagan Goad, HTLF Bank, and Shawn Ragland, all scheduled for hearing on June 30, 2025. With three response deadlines still pending between June 17-26, 2025, and two responses already filed, the current scheduling creates an untenable burden on both the Plaintiffs and the Court. The following Motions to Dismiss with the pertinent dates are as follows:

1. Motion to Dismiss filed by Rabo AgriFinance, LLC [Dkt. No.128]
  - a. Response due June 17, 2025
  - b. Hearing set for June 30, 2025
2. Motion to Dismiss filed by Mechanics Bank [Dkt. No. 133]
  - a. Response due June 17, 2025
  - b. Hearing set for June 30, 2025
3. Motion to Dismiss filed by Meagan Goad [Dkt. No 153]
  - a. Response due June 26, 2025

- b. Hearing set for June 30, 2025
- 4. Motion to Dismiss filed by HTLF Bank [Dkt. No. 119]
  - a. Response filed May 30, 2025
  - b. Hearing set for June 30, 2025
- 5. Motion to Dismiss filed by Shawn Ragland [Dkt. No. 114]
  - a. Response filed May 30, 2025
  - b. Hearing set for June 30, 2025

### **III. Argument**

Plaintiffs have spent significant resources on conducting discovery, taking depositions and responding to motions to dismiss. The Trustee has now filed a Motion to Intervene on May 29, 2025 [Dkt. 140] seeking to supplant Plaintiffs as the prosecuting party for the various claims challenged in these motions to dismiss.

Plaintiffs submit that judicial efficiency requires the Court first to resolve the Trustee's Motion to Intervene before addressing the Motions to Dismiss. In its Motion to Intervene, the Trustee contends that the Court ought to enforce the automatic stay by dismissing Plaintiffs' claims and allowing the Trustee to pursue Plaintiffs' claims. The Trustee argues he has exclusive standing to assert Plaintiffs' claims against Rabo, Mechanics Bank, Meagan Goad, HTLF Bank, and Shawn Ragland. Plaintiffs vehemently disagree with the Trustee's position on these issues.

Nonetheless, the Trustee's Motion to Intervene raises threshold questions regarding standing that should be decided before the Motions to Dismiss are considered. Once the Court decides the pivotal standing issue, then it will become clear if Plaintiffs will need to respond to the Motions to Dismiss and whether the Court will need to decide the outcome of those Motions to Dismiss.

Plaintiffs also note that they, not the Trustee, have been the driving force behind this litigation's recovery efforts. For example, eleven depositions have been conducted to date, all of

which were noticed by either Rabo or the Plaintiffs. The record of these depositions reflects that the Trustee either failed to appear for any of these depositions, or ask any witness a single question. Only now, recognizing an opportunity, does the Trustee and his contingent fee counsel wish to step in to take the “lead.” Details of the depositions are submitted herewith as Exhibit A.

If the Court was to grant the Trustee’s Motion to Intervene, then Plaintiffs would certainly be entitled to fees and expenses incurred under Bankruptcy Code Section 503(b) for the actual, necessary costs and expenses of preserving the estate. If Plaintiffs were required to respond to the pending motions to dismiss, the costs and expenses sought under Section 503(b) would increase unnecessarily. In addition, attending a hearing on the motions to dismiss would also increase the costs.

Up to this point, the parties have been able to efficiently work together to resolve their scheduling difficulties and concerns by agreement in this very complicated proceeding. But on this issue, Plaintiffs strongly believe the threshold question of ownership of the claims is a paramount concern and deserves the undivided attention of the parties and Court.

As of this filing, Plaintiffs have responded to motions to dismiss filed by HTLF Bank and Shawn Ragland. Requiring further responses before the Court determines the Motion to Intervene would be needlessly duplicative – Plaintiffs would file responses only to have them potentially superseded by the Trustee’s future filings. Therefore, a continuance of the deadlines and hearings for the motions to dismiss filed by Rabo AgriFinance, LLC, Mechanics Bank, and Meagan Goad is appropriate.

Finally, the hearings currently set for June 30, 2025, are too extensive to be heard together. Presently set for June 30 at 10:00am are the following matters:

1. Status Conference

2. Trustee's Motion to Intervene
3. Rabo's Motion to Dismiss
4. Mechanic's Bank's Motion to Dismiss
5. HTLF's Motion to Dismiss
6. Ragland's Motion to Dismiss
7. Goad's Motion to Dismiss

Plaintiffs anticipate that because of the number of parties and counsel involved, the complexity of this case, and the related adversary proceedings, the matters set will take significant time to be heard. Plaintiffs estimate the status conference will take at least one (1) hour. Plaintiffs anticipate that the hearing on the Trustee's Motion to Intervene will take at least three (3) hours. In addition, Plaintiffs anticipate that the hearings on the motions to dismiss will take between one (1) to one and half hours (1.5) each. Therefore, at the low end, the anticipated time for the hearings on June 30 will take nine (9) hours and, at the high end, eleven and a half (11.5) hours.

For the reasons set forth above, Plaintiffs respectfully request that the Court continue the deadline for Plaintiffs to respond to the Motions, continue consideration of the pending hearings on the Motions until after it has heard and ruled on the Trustee's Motion to Intervene, and for such further relief to which they may be entitled to at law or in equity.

DATED this 9<sup>th</sup> day of June, 2025.



Respectfully submitted,

**NAMAN HOWELL SMITH & LEE PLLC**

David L. LeBas, SBN 12098600

dlebas@namanhowell.com

Michael S. Duncan, SBN 24097628

mduncan@namanhowell.com

8310 N. Capital of Texas Highway, Ste. 490

Austin, Texas 78731

Ph. (512) 479-0300

Fax (512) 474-1901

By: /s/ David L. Lebas

David L. LeBas

*ATTORNEYS FOR AGTEXAS FARM CREDIT  
SERVICES AGTEXAS, PCA AND THORLAKSON  
DIAMOND T FEEDERS, LP*

**AND**

**SPOUSE SHRADER SMITH PLLC**

John Massouh, SBN 24026866

John.massouh@sprouselaw.com

Josh Kundert, SBN 24143877

Josh.kundert@sprouselaw.com

701 S. Taylor, Suite 500

P.O. Box 15008

Amarillo, Texas 79105-5008

(806) 468-3300; (806) 373-3454 FAX

--and--

**LEAL LAW FIRM, LLC**

Abel A. Leal, SBN 24026989

abel@leal.law

14180 N. Dallas Parkway, Suite 300

Dallas, Texas 75254

(214) 395-5325

By: /s/ John Massouh

John Massouh

*ATTORNEYS FOR DENNIS BUSS, BUSS FAMILY  
TRUST, EDDIE BRYANT, ROBERT E. GRAY,*

*RONNIE GRAY, GRAY BROTHERS, CRAIG SUTTON, AMY SUTTON, STEVE RYAN, JANICE LAWHON, AJ JACQUES LIVING TRUST, GUNGOLL CATTLE, LLC, LEAH GUNGOLL, MORRISON CAFÉ, LLC, GARY LESH, JAN LESH, LESH FAMILY TRUST, JARED LESH, JORDAN LESH, LLC, JOEL BROOKSHIRE, GENE BROOKSHIRE FAMILY, LP, DOUGLAS FINLEY, SCARLET AND BLACK CATTLE, LLC, BRYAN BLACKMAN, STEVE T SCOTT FARM, INC., SCOTT LIVESTOCK COMPANY, INC., ARNOLD BRAUN TRUST, ROBERT BRAUN, JIM RININGER, ROBERT SPRING, MICHAEL EVANS, MIRANDA EVANS, CHARLES LOCKWOOD, COLE LOCKWOOD, SHERLE LOCKWOOD, NIKKI LOCKWOOD, LYNDA VAN BUSKIRK, JANET VAN BUSKIRK, COLBY VAN BUSKIRK, SUSAN VAN BUSKIRK, JIMMY GREER, DUSTIN JOHNSON AND DORA BLACKMAN*

**AND**

**CRENSHAW, DUPREE & MILAM, L.L.P.**

Amber S. Miller, SBN 24050320  
amiller@cdmlaw.com  
4411 98th Street, Suite 400  
Lubbock TX 79424  
(806) 762-5281  
(806) 762-3510 (fax)

By: /s/ Amber Miller  
Amber S. Miller

*ATTORNEY FOR RIDGEFIELD CAPITAL GROUP, DREW PHILLIPS, CARRAWAY CATTLE, ROBERT ELLIS, BARRY PHILLIPS, BIG SEVEN CAPITAL PARTNERS, RICHARD CARRAWAY*

**AND**

**JAMES D. BRADBURY, PLLC**

James D. Bradbury, SBN 02814500  
jim@bradburycounsel.com  
Kyle K. Weldon, SBN 24097192  
kyle@bradburycounsel.com  
201 Main Street, Suite 600

Fort Worth, Texas 76102  
Telephone: 817-339-1105  
Fax: 817-886-3495

By: /s/ James D. Bradbury  
James D. Bradbury

*ATTORNEYS FOR PRIEST CATTLE COMPANY,  
LTD, PRIEST VICTORY INVESTMENT LLC, W.  
ROBBIE RUSSELL LIVING TRUST, AND EDDIE  
STEWART*

**CERTIFICATE OF CONFERENCE**

I hereby certify that on June 6, 2025, I corresponded by email with counsel for the Trustee, Rabo AgriFinance, Mechanic's Bank, HTLF Bank, and Megan Goad concerning the requested relief. All counsel indicated that they were opposed to the requested relief.

/s/ John F. Massouh  
John F. Massouh

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2025, the foregoing document was filed with the Clerk of the Court in the foregoing case using the CM/ECF system, which sent notice of electronic filing to all electronic filing users in this case.

/s/ John F. Massouh  
John F. Massouh